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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR01-313-RSM
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 DANIEL MARK DAVIS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on February 15, 2007. The United States was represented by AUSA Patricia Lally and the
16 defendant by Jesse G. Cantor. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about December 14, 2001 by the Honorable Barbara
18 Jacobs Rothstein on a charge of Bank Fraud and sentenced to 15 months custody, five years
19 supervised release.

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant not possess any firearms, submit to mandatory drug testing, participate in a
22 substance abuse program, abstain from alcohol, submit to search, participate in a mental health

01 program, be prohibited from gambling and participate in Gamblers Anonymous, pay restitution
02 in the amount of \$350,650.00, provide access to financial information, maintain a single checking
03 account for all finances, provide information about any business interests, disclose all assets and
04 liabilities, not obtain any new credit, not be self-employed or employed by friends, obtain approval
05 for all employment, not work for cash, and provide pay stubs to his probation officer. (Dkt.17).

06 On June 28, 2004, defendant's probation officer reported that he had failed to make
07 consistent restitution payments. No further action was taken at the time, allowing the Southern
08 District of California, where defendant was residing, to address the situation. (Dkt. 20).

09 On September 16, 2005, defendant admitted to violating the conditions of supervised
10 release by absconding from supervision. (Dkt. 30.) Defendant was sentenced to two months in
11 custody followed by 4 years of supervised release. Additional conditions included halfway house
12 placement for up to 120 days, cooperation with DNA testing, and defendant was ordered to
13 resolve his New Jersey pending criminal case. (Dkt. 36.)

14 On May 22, 2006, defendant admitted to violating the conditions of supervised release by
15 driving under the influence of alcohol. (Dkt. 47.) Defendant was ordered to participate in an
16 alcohol treatment program, and no further action was taken. (Dkt. 50.)

17 In an application dated January 23, 2007 (Dkt. 52), U.S. Probation Officer Brian H.
18 Rogers alleged the following violations of the conditions of supervised release:

19 1. Failing to report to his probation officer on January 16, 2007 at 9:00 AM in
20 violation of standard condition number two.

21 2. Failing to participate in Moral Reconation Therapy (MRT) as directed by the
22 probation office in violation of special condition number five.

01 3. Failing to pay restitution as directed in December 2006 and January 2007 in
02 violation of the special condition that he pay restitution in monthly installments of not less than
03 10% of his gross household income.

04 Defendant was advised in full as to those charges and as to his constitutional rights.

05 Defendant admitted the alleged violations and waived any evidentiary hearing as to
06 whether they occurred. (Dkt. 55).

07 I therefore recommend the Court find defendant violated his supervised release as alleged,
08 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
09 set before Judge Martinez.

10 Pending a final determination by the Court, defendant has been released on the conditions
11 of supervision and the additional condition that he reside in a halfway house pending his
12 disposition hearing.

13 DATED this 15th day of February, 2007.

14 

15 Mary Alice Theiler
16 United States Magistrate Judge

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18 cc: District Judge: Honorable Ricardo S. Martinez
19 AUSA: Patricia Lally
20 Defendant's attorney: Jesse G. Cantor
21 Probation officer: Brian H. Rogers
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